

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

F.S. and A.S., on behalf of their minor child, D.S.,	:	Civil No. 08-1024 (FLW)
	:	
Plaintiffs,	:	ORDER
	:	
v.	:	
	:	
HOPEWELL VALLEY REGIONAL SCHOOL	:	
DISTRICT BOARD OF EDUCATION,	:	
	:	
Defendant.	:	
	:	

THIS MATTER is before the Court upon a Motion for Enforcement of Settlement Agreement against Defendant Hopewell Valley Regional School District Board of Education (“Defendant” or the “Board”), filed on April 24, 2009 by Plaintiffs’ F.S. and A.S. on behalf of their minor child D.S. (collectively, “Plaintiffs”); it appearing that this matter was referred to the Honorable Douglas E. Arpert, U.S.M.J., pursuant to 28 U.S.C. § 636(b)(1), for a Report and Recommendation; and Magistrate Judge Arpert having considered the moving and opposition papers pursuant to Fed.R.Civ. P. 78; and for the reasons stated in his Report and Recommendation, finding that “the prerequisites for the reimbursement of attorney’s fees outlined in paragraph 13 of the Settlement Agreement have not been satisfied”, and recommending to this Court that Plaintiffs’ Motion for Enforcement of Settlement Agreement be denied; and it further appearing that on September 9, 2009, Plaintiffs filed an objection to Magistrate Judge Arpert’s Report and Recommendation, pursuant to L.Civ.R. 72.1(c)(2); and this Court, having considered the record developed before Magistrate Judge Arpert and Plaintiffs’ objections, finds that: (1) Defendants did not breach a material term of the Settlement Agreement, dated October 6, 2008; (2) Plaintiffs are not

entitled to the reimbursement of attorney's fees and costs in connection with securing compliance with the Settlement Agreement; and (3) Magistrate Judge Arpert permissibly determined during the course of the May 14, 2009 conference call addressing Plaintiffs' request for an extension of time to file a reply in response to Defendants' untimely opposition to Plaintiffs' Motion that further submissions were unnecessary; accordingly, for the reasons stated in the July 29, 2009 Report and Recommendation; and for good cause shown,

IT IS on this 2nd day of December, 2009,

ORDERED that the Court approves and adopts the July 29, 2009 Report and Recommendation of the Honorable Douglas E. Arpert, U.S.M.J.; and it is further

ORDERED that Plaintiffs' Motion for Enforcement of Settlement Agreement is hereby **DENIED**.

/s/ Freda L. Wolfson
Honorable Freda L. Wolfson
United States District Judge